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REMARKS

Applicant respectfully requests entry of new claim 23. Support for the new claim can be found, *e.g.*, on page 8, lines 18-21 of the specification. No new matter has been added.

Applicant elects the invention of Group II (claims 1, 2, 3, 4, 5, and 16), drawn to a method for the diagnosis of a polymorphism using nucleic acid analysis and the treatment of a human, and further elects the single nucleotide polymorphism at position 33251 of the reverse complement of EMBL Accession Number AC006953. This polymorphism is represented by SEQ ID NO:5. This election supersedes the election made in the response filed on July 15, 2002, and the election is made with traverse.

Applicant objects to the amended restriction requirement, especially with respect to restricting the eight polymorphisms into eight separate groups. The Examiner states on page 8 of the new restriction requirement:

> ...the claims as written only require a single position be examined, and thus, a restriction to a single position is proper. The requirement does not prohibit applicant from filing claims which require the diagnosis of more than one polymorphism, it merely establishes that methods which require only one are separate and distinct from one another.

Applicant has added new claim 23. This claim is dependent on claim 1, and therefore must be included in the elected group. The new claim will require examination of all eight polymorphisms. In light of new claim 23, Applicant believes the restriction requirement, as presently formulated, to be improper.

Applicant wishes to extend his appreciation to the Examiner for her time and consideration during the telephone interviews of September 24, 2002, and October 17, 2002, with Applicant's representatives, Janis Fraser and Allyson Hatton. This election is in response to an amended restriction requirement resulting from the conversations of these two meetings.